

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 18, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-19296 - APPLICANT: CHECK CITY - OWNER: BECKER & SONS**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 4, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN WILLIAMS.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (Z-0042-84), if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The purpose for this request for a Special Use Permit is for a proposed Auto Title Loan business and a waiver of the 200 foot minimum distance separation requirement from residential zoned property within an existing shopping center.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/3/84	The City Council approved a Rezoning (Z-0042-84) from N-U to C-1 for a 13,200 square foot shopping center. The Planning Commission recommended approval.
02/22/90	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0020-90) billboard on this site.
04/3/91	The City Council approved a request for a Special Use Permit for on/off premises consumption of alcohol in conjunction with a Convenience Store and a Tavern. The Board of Zoning Adjustment recommended approval.
02/28/91	The Board of Zoning Adjustment approved a request for a Special Use Permit for gasoline sales in conjunction with a convenience store.
10/20/93	The City Council approved a request for a Special Use Permit for a Tavern. The Board of Zoning Adjustment recommended approval.
02/20/02	The City Council approved a request for a Special Use Permit for a service bar (beer/wine/cooler) in conjunction with a restaurant. The Planning Commission and Staff recommended approval.
03/08/07	The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #24/jk).
<b><i>Pre-Application Meeting</i></b>	
12/13/06	At the pre-application meeting the applicant was informed about the requirements for an Auto Title Loan business.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting for this application type is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.69
Net Acres	1.67

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center & Single-family	SC (Service Commercial)/ (ML)Medium Low	C-1 (Limited Commercial)/R-PD8 (Residential Planned Development)
East	Single-family	(ML)Medium Low	R-CL (Residential-Compact Lot)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>	X		
A-O Airport Overlay District (140-Foot)	X		Y
Billboard Exclusionary Zone – (Exempt Zone)	X		Y
<b>Trails</b>	X		Y*
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* Lake Mead Boulevard is designated as a Pedestrian Path

## DEVELOPMENT STANDARDS

Per Title 19.08 the following Development Standards apply:

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	N/A	350 Feet	N/A
Min. Lot Width	100 Feet	208 Feet	Y
Min. Setbacks			
• Front	20 Feet	111 Feet	Y
• Side	10 Feet	70 Feet	Y
• Corner	15 Feet	58 Feet	Y
• Rear	20 Feet	30 Feet	Y
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	50%	16.2%	Y

Max. Building Height	N/A	Existing	N/A
Trash Enclosure	50 Feet	Zero Feet	N*
Mech. Equipment	Screened	Screened	Y

\* There is an existing trash enclosure along the east property line.

Please note the applicable code section here (Title 19.12)

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree/6 Spaces	18 Trees	Zero	N*
Buffer: Min. Trees	1 Trees/ 20 Linear Feet 1 Trees/ 30 Linear Feet	25 Trees	6 Trees within the rear only.	N
<b>TOTAL</b>		43 Trees	6 Trees**	N
Min. Zone Width	8 Feet		Zero***	N
Wall Height	6 Feet		6 Feet (existing)	Y

\* This shopping center was constructed prior to the current parking lot landscaping requirements.

\*\* The street frontages are planted with Texas Rangers not trees.

\*\*\* The six trees along the east (rear) property line are in tree wells.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Title Loan	3,060 sq. ft.	1:250	12.24				
In-line Stores	3,000 sq. ft.	1:175	17.14				
Restaurant/ Lounge	1,890 sq. ft. dining	1:50	37.8				
	4,150 sq. ft. remaining	1:200	16.6				
Subtotal	12,100 sq. ft		80	4	105	5	Y
TOTAL (including handicap)			84		110		Y
Loading Spaces		2			2		Y

\* V-011-91 was approved to permit 120 parking spaces where 121 were required. New parking standards show this shopping center to be in compliance with parking standards.

## ANALYSIS

### **Zoning & Land-use:**

The C-1 zoning for this parcel is a supported zoning district within the SC (Service Commercial) land-use designation for this parcel. An Auto Title Loan is a permitted use within the C-1 zoning district, subject to a special use permit and the following conditions:

### **AUTO TITLE LOAN [O, C-D, C-1, C-2] Ord 5682 4/21/04**

- \*1. The use shall comply with all applicable requirements of LVMC Title 6.
- \*2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
- 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
- 4. Window signs shall not:
  - a. Cover more than twenty percent (20%) of the area of all exterior windows;
  - b. Include flashing lights or neon lighting; or
  - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
- 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
- 6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
- 7. No auto title loan use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

Since this use is located within 200 feet of a residential subdivision, a waiver of condition number seven is required; therefore, staff does not support this request.

### **Site Plan:**

The site plan for the proposed Auto Title Loan business shows an existing shopping center. Based on the building layout for this shopping center, there is 12,100 square feet of lease space. Parking for retail centers less than 25,000 square feet require parking based on each use within the shopping center. Based on the uses in the center, there is adequate parking in this shopping center.

### **Floor Plan:**

The floor plan shows that the proposed Auto Title Loan business to have a total floor area of 3,060 square feet.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Due to the fact that the parcel on which this use is to be conducted abuts a single-family residential subdivision, the proposed Auto Title Loan can not be conducted in a manner that is harmonious and compatible with the surrounding land uses.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed site is not physically suitable for a Auto Title Loan because of its proximity to a residential development to the east.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Rainbow Boulevard is listed as an 80-foot Secondary Collector Street and Lake Mead Boulevard is listed as a 100-foot Primary Arterial Street on the Master Plan of Streets and Highways. Both streets are of adequate size meet the requirements of the proposed use.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use is inconsistent with the public health, safety, and welfare and overall objectives of the General Plan due to its proximity to a residential development.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use does not meet all of the applicable conditions for an Auto Title Loan as outlined by Title 19.04.050, condition number seven, which states:

7. No auto title loan use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 3

**NOTICES MAILED** 252 by City Clerk

**APPROVALS** 0

**PROTESTS** 0